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FISCAL IMPACT REPORT

SPONSOR Sens. Maestas, Nava, and Lopez/Reps. Rubio and Gurrola **LAST UPDATED** _____
ORIGINAL DATE 2/07/2025
BILL
SHORT TITLE State Enforcement of Immigration Law **NUMBER** Senate Bill 250
ANALYST Fischer

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
DPS	No fiscal impact	No fiscal impact	No fiscal impact		Nonrecurring	General Fund

Parentheses () indicate expenditure decreases.
 *Amounts reflect most recent analysis of this legislation.

Conflicts with Senate Bill 87

Sources of Information

LFC Files

Agency Analysis Received From
 Health Care Authority (HCA)
 Corrections Department (NMCD)
 Department of Public Safety (DPS)

SUMMARY

Synopsis of Senate Bill 250

Senate Bill 250 (SB250) bars the state and its political subdivisions, or their agencies and instrumentalities, including a home rule municipality, from using any public personnel, funds, or other resources to identify, detect, apprehend, arrest, detain, or prolong the detention of a person based on a suspicion or knowledge that the person has entered or is residing in the U.S. in violation of federal immigration laws or to assist federal agents in any such activity based on such suspicion or knowledge.

SB250 also repeals Section 33-3-16 NMSA 1978, which outlines the duty of county sheriffs, jail administrators, and jailers (or their contractors) to receive and keep safe persons “remitted in conformity with a legal process issued by or under the authority of the United States” provided the federal government pays a fee set by the county to do so. The repealed section is replaced with a new, similar section that says the county *may* receive custody of a person through a warrant or order issued by a United States district judge in a criminal proceeding.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

FISCAL IMPLICATIONS

Senate Bill 250 is a regulatory bill, and no agency respondents indicated any fiscal impact on their operations.

SIGNIFICANT ISSUES

Most agencies responded that the provisions of SB250 would not impact their work. New Mexico State Police stated that they would still be able to assist federal authorities in human and other illegal trafficking and migrant rescue operations. The Corrections Department noted that it coordinates with federal immigration authorities only in a limited capacity and only if and when a federal immigration warrant is presented.

The Health Care Authority noted a long list of federal regulations that already protect the individual identifiers and health information it collects as an administrator of Medicaid, SNAP, and other support programs. The authority also noted that judicial decisions from other jurisdictions generally indicate that sanctuary jurisdictions are operating within their constitutionally prescribed bounds when they refuse to cooperate with federal immigration authorities (*City of Chicago v. Sessions*, 321 F. Supp. 3d 855, 890 (N.D. Ill. 2018); *United States v. California*, 314 F. Supp. 3d 1077, 1101, (E.D. Cal. 2018); *City of Philadelphia v. Sessions*, 309 F. Supp. 3d 289, 328–331 (E.D. Pa. 2018)).

The Health Care Authority suggested adding “To the extent allowed by state and federal law” to the first sentence of Section 1 to account for the legal requirement to comply with judicially issued warrants and orders and to ensure public agencies and employees do not unintentionally violate federal law by attempting to comply with this bill.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Conflicts with Senate Bill 87 which prohibits state and local governments from adopting or continuing any law, ordinance, rule or regulation that would prohibit or restrict the use of personnel or resources to assist in the enforcement of federal immigration law or interfere with the enforcement of federal immigration law.

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